S.B. CIVIL TRANSFER PETITION NO.44/2004

Smt.Neelam Sharma vs. Shri Dinker

Date : 3.8.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. PR Singh, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner, wife of respondent, has filed this application for transfer of the Petition No.201/2002 which has been filed by the respondent for restitution of conjugal rights and which is pending before the Family Court, Ajmer.

According to petitioner, she is residing at Nagaur and the petition filed by the respondent at Ajmer which is 102 kms. from the place of petitioner's residence. She submitted that she alone cannot go and attend the proceedings in the Family Court, Ajmer, whereas the respondent is a shopkeeper at Beawar and he can attend the Court at Parbatsar which is where the Court of Additional District Judge is situated. It is submitted that if the respondent can go to Ajmer, then he can travel to Parbatsar and, therefore, there will be no diffculty for the respondent to attend the proceedings.

The respondent submitted a reply and raised an

objection that because of mere convenience, the matter cannot be transferred.

After going through the facts of the case, this Court deems it proper to allow transfer of the petition filed by the respondent.

Accordingly, this transfer petition is allowed, the petition no.201/2002 (Dinkar @ Papi Sharma vs. Smt. Neelam Sharma) pending in Family Court, Ajmer is withdrawn from that court and is hereby transferred to the Court of Additional District Judge, Parbatsar for deciding the petition in accordance with law.

(PRAKASH TATIA), J.

S.Phophaliya